

Role of the Investigator and Planning the Investigation

Susanna Murphy, Esq.
Title IX Solutions LLC



Title IX Process Begins

School's Response

- I. School must “respond promptly in a manner that is not deliberately indifferent”
- II. Supportive measures

Formal

vs.

Informal

Who comprises your team of investigators?

Investigators must be:

- ✓ Impartial, unbiased & free of conflict
- ✓ Removed from the Parties
- ✓ Trauma-informed interviewing is helpful

I. Understand the Presumptions

Non-responsibility

- 2020 Amendments require a school to include in its Title IX grievance process “a **presumption that the Respondent is NOT responsible for the alleged conduct** until a determination regarding responsibility is made at the conclusion of the grievance process.”
- Presumption does NOT imply that the alleged harassment did not occur, or that Respondent is truthful and Complainant is not truthful.
- Presumption is designed to ensure that investigators and decision makers serve impartially and do not prejudge that the Respondent is responsible for the alleged harassment.

II. Understand the Burden of Proof

Burden is on the school (aka the investigator)

- The burden of proof is not on the Complainant to prove the policy violation
- The burden of proof is not on the Respondent to disprove the policy violation
- The burden lies with the **investigator** to uncover the relevant facts and on the **fact finder** to determine if the Respondent violated policy

III. Ultimate Goal of the Process

- Determine
 - What is the alleged conduct?
 - Does the evidence support that it occurred - by a preponderance of the evidence?
 - Was the Respondent the Party who committed the acts?
 - Did the conduct constitute a policy violation?
- Understand the Parties' Rights
 - Parties are not required to participate in the investigation
 - Right to an advisor & advisor restrictions during interviews
 - Right to provide their account and have it on the record

IV. Goal of the Investigator

Gather the
facts

Present the
facts to:

Parties
Advisors
Decision-maker(s)

Be thorough
and neutral

V. Early steps

Title IX Office will:

- Receive the formal complaint
- Assess for potential conflict
- Notify the Parties of the allegations
- Assess for supportive measures (you will follow up)

VI. Form Investigative Team

When assigning investigators, the following factors may be considered:

- Experience with Title IX investigations, specific forms of sexual harassment, student or employee cases, etc.
- Availability (time commitment)
- Conflicts of interest and/or actual and perceived biases
- Native language(s) of the Parties

VI. Form Investigative Team (cont'd)

Ideally two investigators

- **Lead Investigator:**
 - Coordinates with the Title IX Coordinator & the Parties
 - Drafts the investigative report & prepares the Investigation File/Binder
- **Co-investigator:**
 - Takes notes during the interview, note questions, & ask questions during the interview if prompted by the Lead Investigator
- **Importance of Gender Balance**
 - Consider having people of different genders or ethnicities, etc. present while interviewing Complainants, Respondents, and witnesses
 - Allows the individual to converse with the investigator with whom they feel most comfortable
- **Importance of speaking the native language of the Parties**
 - Ideally, investigator is also a native speaker of the language or very fluent
 - If not possible, interviews may require a translator. The translator should be briefed on the Title IX process and relevant terms.

V. Early Steps (cont'd)

Investigator will:

- Review the complaint
- Meet with TIX Coordinator, review notes
- Assess for conflict- knowledge, issue
- Pull the policy
- Preserve potential evidence
- Create a Plan (more detail to come)
 - Create a witness list
 - Create a timeline
 - Create an evidence list
 - Create a running to do/follow up list
 - Brainstorm questions

VII. How to gather the evidence the Decision-maker needs

- Identify sources of evidence
- Collect evidence and preserve chain of custody
- Asking the right, probing questions ...*sensitively*
- Determining what information is relevant to include in the investigative report:
 - Who, what, where, when, why, how; and
 - What policies are implicated

**The next step
is to create an
Investigation
Plan**

Maintaining Objectivity

- Empathetic
- Administrative not judicial process
- Remain objective - fair and helps the process
- Challenging process
 - Emotionally
 - Time lapses
 - COMMUNICATION can alleviate
- Article in Chronicle of Higher Education

Chronicle of Higher Education 3/11/22

STUDENT MENTAL HEALTH



Katie Meyer's Suicide Put the Spotlight on Student Discipline. Experts Say Mental Health Is the Larger Issue.

By *Kate Hidalgo Bellows* | MARCH 11, 2022



A photograph of a person's hands typing on a laptop keyboard in a bright, modern office setting. The image is partially obscured by a dark blue overlay on the left side, which contains the text.

Investigation Planning & Design

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Title IX Solutions LLC

Investigation Planning

Planning Phases

- I. Form Investigative Team
- II. Document Review
- III. Drafting a Plan
- IV. Next Steps

I. Working as a Team (if pairs)

Communicate with your co-investigator

- Delegate tasks and play off one another's skills
 - Lead investigator vs. note-taker
 - Lead Writer of Summary of Interviews
 - Lead Writer of Investigative Report
 - Communication with Parties & Title IX Coordinator

II. Review Documents

SFCM Title IX Sexual Misconduct and Sexual Harassment Policies: Complaint Procedures

- Your Investigation Guide
 - Review policy at every stage of the investigation process
 - Ask Title IX Coordinator for clarification, if necessary
- Understand the Parties' Rights
 - Parties are not required to participate in the investigation
 - Right to an advisor & advisor restrictions during interviews
 - Right to provide their account and have it on the record

Straight from the CC Sexual Harassment Policy

- The Title IX Coordinator will appoint a Title IX Investigator
- The College will appoint a Title IX Decision-maker
- Prior to any meetings between any Party and the Title IX Investigator, the Title IX Coordinator or the Deputy Title IX Coordinator for Students will promptly **provide written notice** to the parties (the “Initial Notice”), allowing sufficient time to prepare responses before any initial interview...

II. Review Documents

Formal Complaint

- Report versus Formal Complaint
- Formal Complaint
 - Signed & submitted by the Complainant or Title IX Coordinator
 - Required for an investigation to begin

II. Review Documents

Sample **Report** of Possible Policy Violation:

January 12, 2022: Melissa Gomes emailed Title IX Coordinator Bethany James about an incident that may have occurred at a recent dinner hosted by SFCM following a performance that was part of the Faculty Artist Series.

Ms. Gomes reported that while she was leaving the restroom during the dinner, she saw Instructor Eric Anderson leaning over Freshman Tyeisha Barnes and put his hand on Tyeisha's buttocks, over her clothing. Ms. Gomes reported that Tyeisha Barnes appeared very intoxicated at the time and did not appear to be happy about the interaction.

II. Review Documents

Sample **Formal Complaint**:

On January 10, 2022, I went to the Faculty Artist Series at the San Francisco Civic Center. Cocktails were served after the performance, and I became intoxicated. Professor Anderson is my Violin instructor, and we were talking and flirting during the cocktail hour. I was not planning on staying for the dinner because I had to go to my job. On my way out of the reception, Instructor Anderson followed me out and asked if he could leave with me. I told him “no” because I had to go to work. During this conversation he touched my waist/butt area and my hair, which made me uncomfortable.

In the month or so before this, Instructor Anderson had sent me text messages that seemed sexual and made me uncomfortable.

I don't really want Instructor Anderson to get in any trouble, but he has been making me uncomfortable and I want him to stop.

Signed: Tyeisha Barnes, January 19, 2022

II. Review Documents

Written Notice of Allegations

- Prepared by the Title IX Coordinator and sent to the Complainant and Respondent at the start of the Investigation
- Sexual Harassment Complaint Procedures:
 - Provides **notice** of the allegations potentially constituting sexual harassment as defined in this policy;
 - Provides **sufficient details** known at the time (i.e., the identities of the parties involved, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known);
 - Includes a statement that the **Respondent is presumed not responsible** for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
 - Informs the Complainant and the Respondent that a **Title IX Investigator has been appointed** who will be investigating the allegations;
 - Identifies the Title **IX Investigator by name** to each Party;

II. Review Documents

Sample NOA/NOI:

Complainant Freshman Tyeisha Barnes alleges that Instructor Eric Anderson touched her waist/buttocks area and her hair. This incident allegedly occurred on January 10, 2022 while both parties were attending a Faculty Artist Series Event at the San Francisco Civic Center. Tyeisha Barnes alleges she was intoxicated and that the touching was unwanted. Tyeisha Barnes also alleges that she had previously (approximately November 29, 2021 to January 11, 2022) received numerous text messages that were sexual in nature from Instructor Anderson, despite her asking him not to send those. Administrative Assistant of the Professional Development and Engagement Center, Melissa Gomes, initially reported this series of events to TIX Coordinator Bethany James after having witnessed at least part of the encounter between the Parties.

The Respondent is alleged to have violated SFCM's policy against ... sexual harassment and sexual violence (?)- discuss with TIX Coordinator what alleged at outset. (Additional notifications about presumption of no responsibility etc... to follow and should be templated.)

II. Review Documents

Notice of Allegations/Investigation (NOA/NOI) = Backbone of your Investigation

- Outlines details from the alleged incident (to be verified)
- May contain potential witnesses and/or sources of evidence (to be collected)
- Presents the timeline of the incident & reporting process
- Helps us focus on the key questions that are to be addressed during the Title IX Grievance Process (investigation + hearing)

III. Draft Investigation Plan

At a minimum, the Investigation Plan contains:

1. Names of Investigators & Parties
2. List of Allegations
3. Witness List + Order of Interviews for all Witnesses & Parties
4. Evidence List
5. Intended Investigation Timeline

III. Draft Investigation Plan

Start with what you know! Pull information from the Notice of Allegations, formal complaint, and report:

- Names of Investigators
- Names of Parties
- Definitions of Policy Violation(s)
- Witness List + Follow Up Tasks
- Evidence List + Follow Up Tasks
- Next Steps

III. Draft Investigation Plan

Names of Parties

- Include any known information, including:
 - Full Name
 - Contact Information
 - Title or Role at the school; e.g. Freshman, Professor, Administrative Assistant
 - Contact Information
 - Accommodations needed
 - Name of Advisor (if known) & Relationship to Advisor (friend, mother, attorney, etc.)

III. Draft Investigation Plan

Witness List + Follow Up Tasks

- Include name and relationship to Complainant/Respondent
- Create a logical order of interviews
 - Generally, interview Complainant the Complainant witnesses then before Respondent, Respondent witnesses?
 - Though this is not always the case for strategic or logistical reasons
 - Note the logic of the order of interviews (scheduling conflicts, delays, witness refusal to participate, etc.)
- List may expand as investigation unfolds!
- Follow up tasks: obtaining full names & contact information, scheduling interviews, etc.

III. Draft Investigation Plan

Evidence List + Follow Up Tasks

- Includes known and potential sources of evidence
 - Clarify what has already been obtained versus to be obtained
- May include:
 - Communication between Complainant, Respondent, and others
 - Digital evidence & social media
 - Think beyond the specific incident
- List may expand as investigation unfolds!
- Follow up tasks: coordinate with other teachers or club coordinators, ask Parties for evidence

Witnesses? Evidence?

From our hypothetical...

Tyeisha Barnes alleges that Instructor Eric Anderson touched her waist/buttocks area and her hair. This incident allegedly occurred on January 10, 2022 while both parties were attending a Faculty Artist Event at the San Francisco Civic Center. Tyeisha Barnes alleges she was intoxicated and that the touching was unwanted.

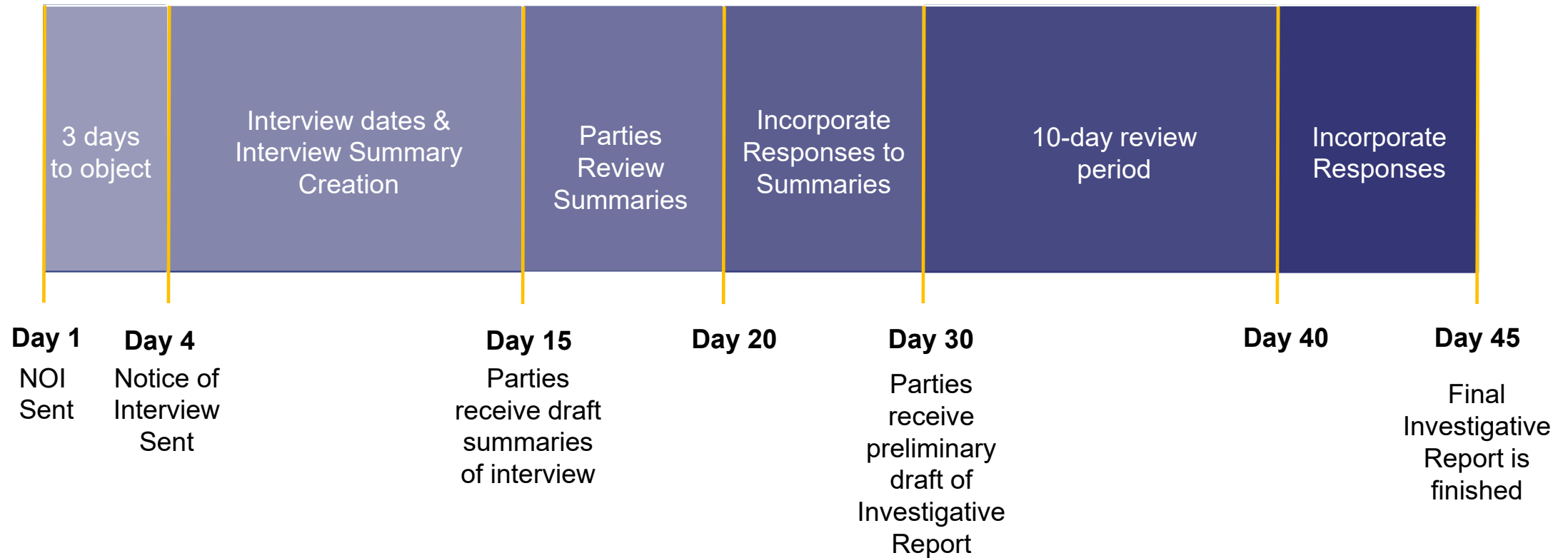
Tyeisha Barnes also alleges that she had previously, (approximately November 29, 2021 to January 11, 2022) received numerous text messages that were sexual in nature from Instructor Anderson, despite her asking him not to send those. Administrative Assistant of the Professional Development and Engagement Center, Melissa Gomes, initially reported this series of events to TIX Coordinator Bethany James.

III. Draft Investigation Plan

Investigation Timeline – Building it out

- Confirm start date of timeline
- Set investigation milestones
 - Sometimes helpful to work backwards
- Many timeframes are outside of the investigator's control
 - Parties must receive notice several days before an interview
 - Parties and witnesses have 5 days to review interview summaries
 - Parties have 10 days to review preliminary investigative report
- Plus, you have additional responsibilities to juggle while investigating!
- Consider potential roadblocks (school breaks, party or advisor conflicts, major upcoming performance, etc.)

Investigation Timeline



III. Draft Investigation Plan

Review and analyze potential policy violations – Sexual Harassment

SFCM Student Handbook-

1. Sexual Harassment Prohibited sexual harassment includes: • **unwelcome, gender-based, verbal, visual, or physical conduct that is** • engaged in by a person of either gender, against person(s) of the same or different gender • and it is reasonable for the person(s) to be offended by the conduct. “**Unwelcome**” conduct is behavior that is not desired by and is offensive to the recipient of the conduct. Prohibited sexual harassment may consist of a variety of behaviors that can take a variety of forms. Examples of such behavior may include but are not limited to: • Verbal conduct, where derogatory comments, slurs, epithets, unwelcome sexual advances, invitations and comments are delivered in person, **online, through emails**, on the phone, through social media, and other forms of communication; • Visual conduct, where harassing communication happens through unwelcome human gestures, drawings, posters, photography, computer graphics, and other visual media; and

Definitions

2. Nonconsensual Sexual Contact • any intentional sexual **touching, • however slight**, • with any object (or without one), • by a person upon another person, • that is without the consent of the other person and/or is by force. Sexual touching includes the following: • Intentional contact with the breasts, **buttock**, groin, or genitals; or • Touching another with any of these body parts; or • Making another touch you or themselves with or on any of these body parts; or • Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

III. Draft Investigation Plan

Review and analyze potential policy violations – Sexual Harassment

From SFCM's Handbook and Sexual Harassment Policy, cont'd.

Note: Intent is not necessary for sexual harassment to occur; behaviors and their impact are key. A person can violate the sexual misconduct policy even if the person does not intend to commit a violation; for example, behavior that is intended to be mere “joking,” “teasing,” or “self-expression” may in fact constitute harassing conduct. Because sexual harassment can limit or interfere with a student’s ability to benefit from educational opportunities, residential settings, or other components of the college experience, it is a form of discrimination that is considered a violation of students’ civil rights and will not be tolerated.

California Code of Regulations: Definition

- Section 4916 of Title 5 defines “sexual harassment” as conduct that is “sufficiently severe, **persistent**, pervasive **or** objectively offensive, so as to create a hostile or abusive educational or working environment or to limit the individual's ability to participate in or benefit from an education program or activity.”^[6] Under the new Title IX regulations, however, to constitute “sexual harassment,” conduct must be found to be “severe, pervasive, **and** objectively offensive.”^[1]

III. Draft Investigation Plan

Key Questions of Title IX Grievance Process

- What is the alleged incident & did it occur?
- Is the alleged incident a policy violation?
- As investigators, these questions help us:
 - *Recognize key words from policy violations to address during the investigation*
 - *Focus the investigation planning, interview questions, interview summaries & investigative report*

Thank you!

Time for a break!

Interviewing: Rapport Building and Information Gathering

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Preparing for the Interview

Preparing for Interviews



After planning the investigation, you know:

- ✓ Most of whom needs to be interviewed
- ✓ What specific allegations you are investigating/policies are implicated

Every party must be sent a Notice of Interview:

- Date, time, location, expected attendees, and purpose of the interview
- Reminder regarding role of the Advisor
- Confirm with Title IX Coordinator
- How to prepare
- Time commitment
- Location
- Words of support
- **Same to both parties**

Planning Interviews

Participating in an Interview

Interview
Complainant
before the
Respondent or
any witnesses

Typically one to
two interviews
per person

Allow at least
one hour for
each interview

Be patient!

What About the Interview Setting?



Carefully structure the setting and environment for interviews

- Comfort
- Privacy
- Spatial Positioning
- Recording device discrete
- Close to a bathroom
- Provide water, tissues, etc.



Virtual investigations

- A bit harder to control the setting
- Tell the party/witness exactly how to join the meeting
- The appropriate setting for this interview (if possible)
 - Private space, comfortable seating, etc.
- What should they bring?
- Control your own setting
 - Successful eye-contact, appropriate lighting, privacy, etc.

Preparing a Preamble

What is a preamble?



- Read by investigator at the beginning of the interview
- State date, time, purpose of the interview, location, persons present & verbal consent of all persons participating
- Ask each person to state their name for later voice identification during transcription
- Time & date should be read onto the recording at the end of the recorded interview

Why are preambles important in Title IX cases?

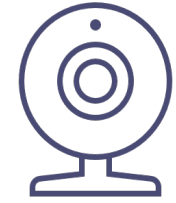
- Consistency throughout interviews
- Consent to record, policy violations in question, relevant sections of the policy in question are on the record
- Helpful should you be called as a witness during the hearing or litigation
- Helps put the party or witness at ease – gives a moment to settle in

What else might you consider putting in preamble?

- Explain investigative process (refer to policy) and Roles
- Your opportunity to share what actually happened
- Interruptions
- Remind of advisor's role
- Clarify
- Circle back
- Don't guess
- Ask for a break
- You've heard it all before
- Ready to get started?

Recording Interviews

Recording



- Only investigator may record interviews
- Transcript and recording of interview is shared with the parties and advisors
- Frees up the investigator to focus on the interview and interviewee
- Obtain consent from the interviewed party!
- Least intimidating option in-person: HD recording app on a phone
- Have the interview transcribed
 - Transcription and audio recording will be included in the investigative report

Starting the interview



- Before walking in the room, visualize yourself conducting a successful interview
- Consider how the interviewee perceives you
- Making the interviewee feel comfortable
- Start with non-threatening questions help to put the interviewee at ease

Empathy-Based Interviewing

Empathy Based Techniques

This is an interview not an interrogation!

- Respondents are not presumed “guilty” or “responsible”
- ALL parties should be treated with respect
- School must presume that Respondent is not responsible for the alleged conduct unless and until a determination of responsibility for a violation of the sexual misconduct policy is made at the conclusion of the grievance process
- Good cop/bad cop DOES NOT WORK

Title IX Advisors

Advisors

- Investigator to maintain authority in the room
- Advisor is for emotional support and private consultation
- Do not allow the advisor to speak on behalf of the party
 - *This is the party's interview, and you need to hear their story from them*

Information Gathering: Digging Deep

Unload first

Chronology of interview- topic or chronological

Ask clarifying questions-shyness has no place here

Explain why asking

Information to support answers- eg consent, intoxication

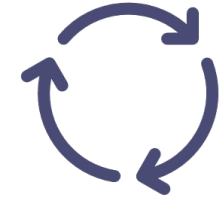
What would we ask the Complainant in our hypothetical case when we get to the following topics?

Intoxication

Messages

Touching

Circling Back After Interviews



- Do not be afraid to re-interview a party or witness if you require more information
- Make your contact information available to interviewees
- After completing your first round of interviews, you may become aware of new witnesses
 - Promptly contact and schedule interviews with those witnesses!

Search for truth, NOT a confession

Maintain control over yourself

Keep calm, remain objective, professional, unbiased, and non-judgmental

You are a neutral gatherer of information

Thank you!

Time for a break!

Investigative Report Writing

Speaker: Susanna Murphy, JD



Overview

Drafting the
Investigative
Report

Investigative
Report
vs.
Investigative
File

Sample
Report

Drafting the Investigation Report

- 1 How to summarize interviews
- 2 How to summarize evidence
- 3 Final review

What should be included?

- Allegations being investigated
- Relevant Policies and Procedures
- Standard of Proof used
- Procedural steps
- Summary of relevant evidence, including interviews
- Summary of Interviews

Procedural Steps

Use
templates

WHAT should
be
documented?

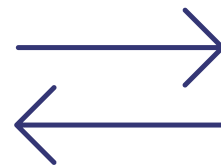
Summary of Relevant Evidence



Interviews



Evidence



~~Conclusions/Inconsistencies~~

How to **Summarize Interviews**

Introduction

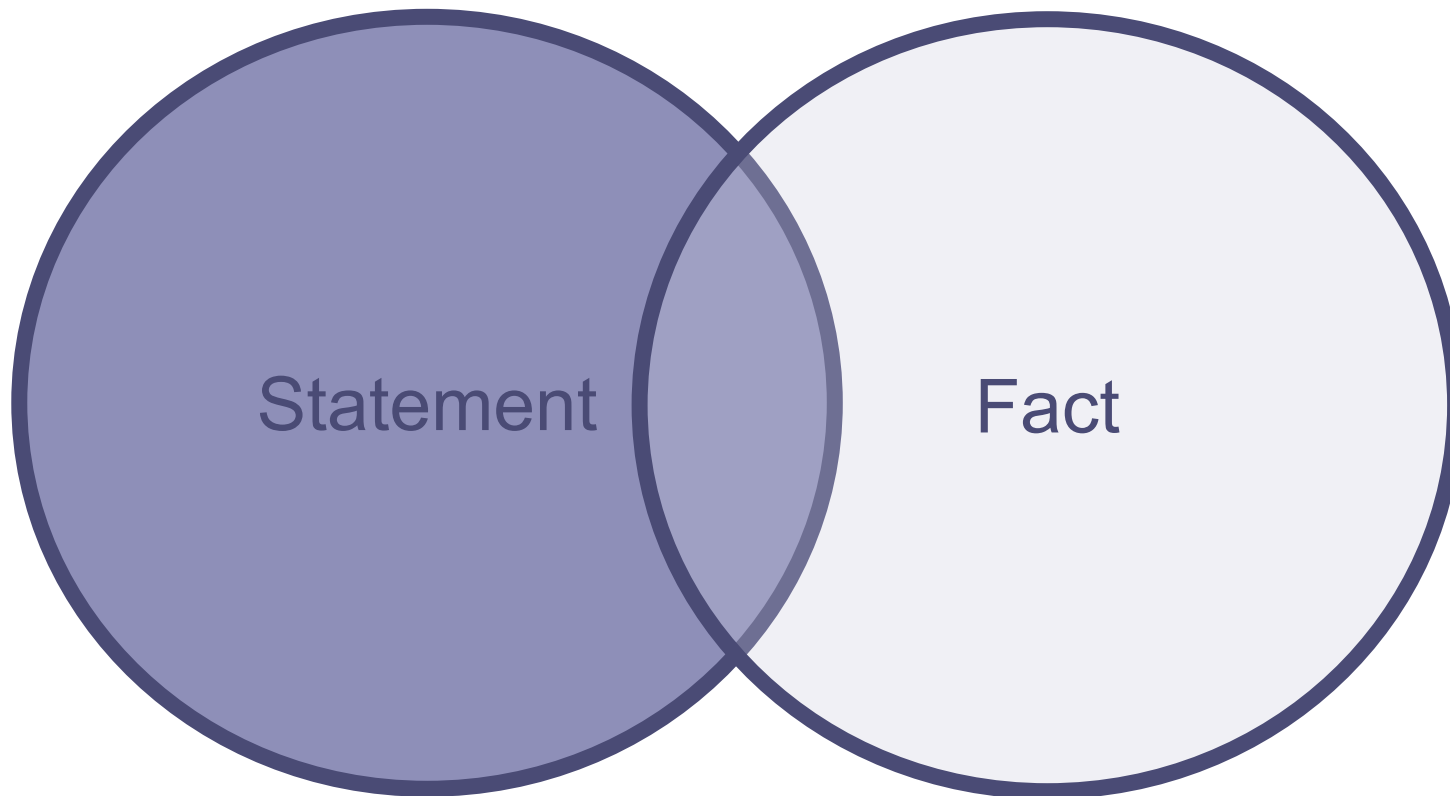
Logical sequence-
chronology vs breakdown by
allegation

Consider undisputed facts

Items to include for each witness

- Breakdown of interview
- Intro to witness
- Summary of story
- Quotations
- Sub-sections?
- Reference evidence provided
- Question- your observations during interview? Consistency!

Opinions vs Observations



Observations-
discuss as an
institution

Evidence and Exhibits

- Can be a list
- May need to be explained or given context
- Share who provided each piece of evidence or how it was obtained

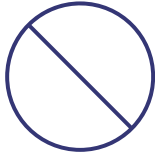
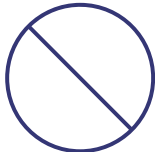
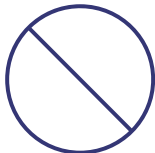
Essential Review

- Review with the 5 W's
 - May require going back
- Pronouns
- Proofread/print
- Formatting

**Investigation
File**

**Directly Related
Vs.
Relevant**

Never Relevant

-  Complainant's sexual predisposition
-  Complainant's prior sexual behavior (with exceptions)
-  Prohibited evidence

Elements of Investigation File

- Table of contents
- Investigation Report
- All allegations, policies, procedures
- Procedural steps
- Standard of Proof
- Summary of evidence: interviews and evidence
- List of all interviewed/submitted evidence
- Communications Log
- Evidence log
- Witness interviews (recordings/transcripts if applicable)
- Appendix of evidence

Sample Report

Not a one-size-fits-all
institutions/cases

Consistency matters,
be consistent

Investigative Report Cover Page

Introduction

- Interviews conducted by, and report prepared by: Jane Smith, Investigator, JU

Individuals Involved:

- Complainant: Tyeisha Barnes(she/her/hers) Student, SFCM, Class of 2026
- Respondent: Eric Anderson(he/him/his) Instructor, SFCM, Strings Dept

- For purposes of this report the Complainant and the Respondent shall be referred to collectively as “The Parties”.

- Advisors:
 - April Barker (she/her/hers) Advisor to Complainant
 - Emily Bevens (she/her/hers) Advisor to Respondent

Witnesses:

- Witness No. 1: Melissa Gomes (they/them/theirs) Admin Asistant, SFCM
- Witness No. 2: Cassidy Wallingford (she/her/hers) SFCM, Class of 2025
- Witness No. 3: Bella Washington (she/her/hers), SFCM, Class of 2025
- Witness No. 4: Maddy Li, (she/her/hers) Security Personnel, San Francisco Civic Center

Individuals referenced in Investigative Report:

- Individual 1: Angelica Marshall (she/her/hers) Axel University, friend of Complainant
- Individual 2: Ramon Suarez (he/him/his) SFCM, volunteer usher

Date of reported incident:

- January 12, 2022

Summary:

One or two line review of allegation/implicated policy, e.g. Tyeisha Barnes alleges that, on January 10, 2022, Professor Anderson sexually harassed her when he placed his hand on her waist and buttocks, without her consent, as she was leaving the Faculty Artist Series at the San Francisco Civic Center. She also alleges that Professor Anderson sexually harassed her over the course of a month by sending her repeated text messages that were unwelcome and sexual in nature.

Governing Policy:

- Sexual Misconduct: (General title) Harassment and Discrimination Policy and Grievance Procedures
- Harassment:
- This investigation has been conducted in accordance with SFCM's Sexual Harassment Policy and Procedures ("the Policy"). The below definitions, taken from The Policy, shall be the definitions that govern the investigation.

- **IX. B. Policy Definitions (this is the citation to the excerpt from the school's policy)**

- A. Violations:** The Title IX Definition of Sexual Harassment

- Sexual harassment is *DIRECT QUOTE HERE FROM SCHOOL POLICY*

- A. Policy violations that may not also be violations of Title IX**

- The college prohibits the following conduct..... *DIRECT QUOTE HERE FROM SCHOOL POLICY e.g. non gender-based harassment*
- This section may be several pages long, depending upon the number of policies that govern and depth or relevant definitions
 - **Witnesses:**
 - Complainant Witnesses: Witnesses 1,2,3
 - Respondent Witnesses: Witness 4

Documents Reviewed

The following were reviewed by the investigator in this investigation: You will give an official title to each of these items, here, I am simply describing the types of evidence that might be included

- SFCM Sexual Misconduct: Harassment and Discrimination Policy and Grievance Procedures
- Screenshots of cell phone call log, screenshot of Venmo request, social media posts provided by Complainant
- Screenshots of text messages between Respondent and Complainant provided by Respondent
- Card swipe access reports provided for the Complainant and Respondent provided by SFCM Assistant Dean of Housing James Richards.
- SFCM University Deputy Title IX Coordinator Angel Rodriguez's Intake Summary dated December 20, 2023
- Letters dated January 1, 2024 from Dean Jacobs to Complainant and Respondent

Individual 1 is a student at Axel University. After phone and text contact using information provided by Respondent was unsuccessful, this investigator contacted the Axel University Title IX office in an effort to contact Witness 4. Draper Title IX office reported that multiple emails to Witness 4 went unanswered.

II. Body of the report

Case history

It was reported to Title IX Coordinator, Bethany James, on January 12, 2022, that Respondent had allegedly committed
Insert here the evolution of the report and formal charges being brought.

e.g. On January 12, 2022, Melissa Gomes reported that while leaving the restroom during...

On January 17, 2022 Tyeisha Barnes met with Bethan James and was notified of her options....

On January 19, 2022 Tyeisha Barnes submitted a written formal complaint...

- **The Parties' Accounts**

- The following facts are undisputed and may provide some context for the events that later unfolded. *(Here you might include how the parties know each other, how their evenings began, where the party was where they met up, what alcohol or drugs they had consumed, for example.)*
- *This will be the meat of your report. It may be dozens of pages long.*
- Decide the most logical way to lay out the facts such that the reader can follow easily. May be chronological, or may be by allegations.
- **Claim No. 1 : Sexual Harassment in the form of unwelcome sexual contact**
- Complainant's account of facts relating to Claim 1:
- On December 12, at 2:00 pm Tyeisha was interviewed by this investigator in the Hanover Room of OEO. April Barker, acting as Tyeisha's advisor was present for this in person interview. Tyeisha shared the following information during this interview:
- Respondent's account of facts relating to Claim 1:
- Complainant's response after hearing Respondent's account:

How to organize

- Witness accounts:
- Witness No. 1
 - Title, time, date, location of interview(s)
 -
- Witness No. 2
- Claim Number 1: The night of January 10
- **Claim No. 2: The text messages**

- **Exhibits**

- *List them out here*

- **Standard of Proof**

- The standard of proof to be applied is the Preponderance of the Evidence-*Excerpt this verbatim from the school's policy*

- *Respectfully submitted,*

- *Jane Investigator*

- *Title IX Investigator*

Possible sections to add

Reliability Analysis

You may choose to include factors such as:

- party's cooperation or demeanor during the interview
- the number of breaks
- constantly turning to the advisor or a parent before answering (only if that becomes significant)

This is not normally included, but some schools request it.

Possible sections to add

Discussion

- **Pose the questions of whether each of the elements of each policy is met**

Read the policy even if you know it inside and out-break down the policy

- Was the conduct severe?
- Was the conduct pervasive?
- Was the conduct committed by the named Respondent?
- Was affirmative consent given?
- Absent affirmative consent, did the Respondent take such steps as necessary to obtain affirmative consent?
- Was the conduct patently offensive?
- Was the Complainant too intoxicated to consent.
- Did the conduct deny Complainant equal access to the benefits of a Cambridge College education?

Wrap-up

- Signature

example: Respectfully submitted,
Jane Investigator
Title IX Investigator

- Final Proof

Check for spelling, punctuation, pronouns, formatting
(Roman numerals, letters, etc? Fix this at the end- can look unprofessional)

Self-Care

- Important investigations
- Important to be meticulous
 - Take your time
 - Complete as quickly as possible
 - Complete your own work
 - Be sensitive
 - TAKE CARE OF YOURSELF – this is a lot to take on!
 - Ask for help
 - Communicate delays, obstacles, or concerns
 - Be flexible
 - Set aside time

Thank you!